IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 1400 of 2000

Between:

M.Musarath Ahamed, s/o. M.Adbul Raheem
R/o. 22/163, Anantapur,
Ananthapur Dist.

..... PETITIONER

AND

1 Board of Intermediate, A.P., rep.by it's secretary,
'Vidya Bhavan' Nampally,Hyderabad-1.
2 The Controller of Examinations, Board of Intermediate,
Andhra Pradesh, 'Vidya Bhavan', Nampally,Hyderabad-1.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents herein in not permitting the petitioner to writ the II year Intermediate Public Examinations held in the month of April, 1999 as illegal, arbitrary, null and void; and consequently direct the respondents to permit the petitioner to write the II year Intermediate Public Examinations scheduled to be held in the month of March/April,2000.

Counsel for the Petitioner:MR.K.DURGA PRASAD

Counsel for the Respondent Nos.1 and 2: MR.T.V.P.PRABHAKAR

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1400 OF 2000

ORDER:

The petitioner was a student of two-year Intermediate Course during the years 1996-1998. In April 1999 he appeared for Second Year Intermediate Public Examination and while he was appearing for the examination in English Paper-II he was booked for malpractice case and was not permitted to appear for examination of the remaining subjects. Subsequently, a show cause notice dt.25.10.1999 was issued to the petitioner by second respondent calling upon the petitioner as to why he should not be debarred for two examinations. The petitioner submitted explanation on 15.12.1999. In the meanwhile, the Board of Intermediate Education issued Notification for conducting Intermediate Public Examination in March/April, 2000. As he was not given permission, he filed the present Writ Petition seeking a direction to the respondents to permit the petitioner to appear for Second Year Intermediate Public Examination in March/April, 2000.

This Court while admitting the Writ Petition on 2.2.2000, passed interim orders in W.P.M.P.No.1776 of 2000 directing the respondents to permit the petitioner to appear for Second Year Intermediate Examinations scheduled in March/April, 2000. The order was made absolute on 4.4.2000.

First respondent by order dt.6.1.2000 imposed punishment of cancelling the examination of the petitioner in the First Year Intermediate and debarring the petitioner from appearing for Second Year Intermediate on the basis of recommendations of Malpractices Scrutiny Committee. No information is placed before this Court whether when this Court passed orders on 2.2.2000 it was brought to the notice of this Court that as on that date the Malpractice Scrutiny Committee has taken decision with reference to the allegation against the petitioner that he resorted to malpractice. There is no denial that pursuant to the orders of this Court dt.2.2.2000 petitioner was permitted to appear for Second Year Intermediate Examination. Be that as it is, it is not known whether the petitioner was communicated with the orders of the Malpractice Scrutiny Committee and whether the petitioner has challenged the same before appropriate Forum. At this point of time, as the petitioner was

given substantial relief at the interlocutory stage itself, no further orders are necessary. However, it shall be open to petitioner to challenge order of respondents imposing him punishment for alleged malpractice.

The Writ Petition, with the above observations, the Writ Petition is disposed of. No costs.

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(V.V.S.RAO, J)

25.8.2004
bnr

To

1 The Secretary, Board of Intermediate, Andhra Pradesh,
‘Vidya Bhavan' Nampally,Hyderabad-1.
2 The Controller of Examinations, Board of Intermediate,
Andhra Pradesh, ‘Vidya Bhavan’, Nampally, Hyderabad-1.
3. 2CD copies